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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/950,003

09/12/2001

Pasqua Oreste

MARGI 27 PI

9777

23599

7590

05/02/2006

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.  
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EXAMINER

KRISHNAN, GANAPATHY

ART UNIT

PAPER NUMBER

1623

DATE MAILED: 05/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	09/950,003		ORESTE ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Ganapathy Krishnan		1623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2005.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-34, 38-53, 56-62, 64, 66, 68 and 70-77 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-34, 38-53, 56-62, 64, 66, 68 and 70-77 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |                                                                                                                        |                                                                                         |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____                                                |

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### **DETAILED ACTION**

The amendment filed 12/5/2005 has been received, entered and carefully considered.

The following information provided in the amendment affects the instant application:

1. Claims 1-11, 35-37, 54-55, 63, 65, 67 and 69 have been canceled.
2. Claims 64 and 66 have been amended.
3. Remarks drawn to double patenting and rejections under 35 USC 112, first paragraph.

Claims 12-34, 38-53, 56-62, 64, 66, 68 and 70-77 are pending in the case.

The text of those sections of Title 35, U. S. Code not included in this action can be found in a prior Office action.

The finality of the previous office action mailed 6/1/2005 has been withdrawn. See interview summary of 8/10/2005.

### ***Priority***

Applicants are claiming priority to Italian Application No. M12000A000665 filed 3/30/2000. The Italian Application names Girogio Zoppetti, Paqua Orestre and Giovanni Cipoletti as inventors. According to MPEP 201.13 (CFR 1.55) the Foreign Application must have been filed by the same applicant(s) (inventor) as the applicant in the United States. The instant application names only two of the three inventors named in the Italian Application. Hence priority to the Italian application is not granted. The priority date accorded the instant application is 12/18/2000.

***Double Patenting***

The statutory double patenting of claims 1-10 as claiming the same invention as claims 1-10 of copending application No. 10/240606 ('606) application has been rendered moot by cancellation of instant claims 1-10.

Claims 14-34, 38-53, 56-62, 64, 66, 68 and 70-77 are provisionally rejected under 35 USC 101 as claiming the same invention as that of claims 16-74 of copending application No. 10/240606 ('606 application) is being maintained for reasons of record.

Applicants argue that:

1. Instant claims 14-37 define methods wherein the product after the oversulfation step is treated with methanol/DMSO for a period of time of from 135 to 165 minutes and that the specification of the '606 application discloses the time period to be 1-8 hours.
2. Claims 16-74 are not supported by the '606 application and hence cannot issue from the '606 application.

This is not found to be persuasive.

Applicants have just stated that there is no support without for claims 16-74 of the '606 application without presenting any facts as to why there is no support. The claims of the '606 application recite the same time period as the instant application. Moreover, the time period recited in the specification overlaps with that recited in the claims. The rejection is being maintained.

Claims 12-13 rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 4, 13 and 14 of the copending application No. 10/240606 ('606 application) is being maintained for reasons of record.

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Applicants argue that instant claims 12 and 13 require selection of specific conditions for step (e) and step (f) which are not obvious in view of the subject matter of claims 1, 4, 13 and 14 of the '606 application.

This is not found to be persuasive. The claims recite the same general steps and are overlapping.

***Claim Rejections - 35 USC § 112***

The rejection of claims 66 and 70 under 35 USC 112, first paragraph as not enabling for the prevention of thrombosis has been overcome by deletion of the term preventing.

The rejection of claims 64 and 68 under 35 USC 112, second paragraph for reciting the term regulating for lack of clarity has been overcome by amendment to recite the term lessening.

***Conclusion***

Claims 12-34, 38-53, 56-62, 64, 66, 68 and 70-77 are rejected.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ganapathy Krishnan whose telephone number is 571-272-0654. The examiner can normally be reached on 8.30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shaojia A. Jiang can be reached on 571-272-0627. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GK

A handwritten signature in black ink, appearing to read 'SJO 4/28/06', is written over a horizontal line.

Shaojia Jiang  
Supervisory Patent Examiner  
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